

From: Mike DiGiglia
To: [Quinones, Edwin](#)
Cc: [Ernie Gieger](#); [Brendan Doherty](#); [Donna Uli](#); sebyp@gtlaw.com
Subject: RE: USOR Superfund Site - 200 N. Richey St. - Information Request
Date: Thursday, November 16, 2017 3:40:24 PM
Attachments: [image001.png](#)

Ed,

For your information request or 104(e) request to the PRP Group, Paul and I have prepared the below list documents that STES and the CoP would need to properly evaluate the current material in the various vessels and structures at 200 N. Richey St. to better understand and evaluate the potential for an in-kind service at the New Vince Bayou Sewage Treatment Facility:

1. Produce all documents that identify each waste stream sent from 400 N. Richey St. to 200 N. Richey St.;
2. Produce all documents that identify the volume of each waste stream sent from 400 N. Richey St. to 200 N. Richey St.;
3. Produce all documents that identify the generator of each waste stream that was sent from 400 N. Richey St. to 200 N. Richey St.;
4. Produce all documents that identify the chemical composition of each waste stream that was sent from 400 N. Richey St. to 200 N. Richey St.;
5. Produce all documents that identify the physical composition of each waste stream that was sent from 400 N. Richey St. to 200 N. Richey St.;
6. If each individual waste stream cannot be identified because of blending or mixing before such waste streams were sent from 400 N. Richey St. to 200 N. Richey St., then:
 - a. Produce all documents that identify the volume of each transfer of blended or mixed waste streams sent from 400 N. Richey St. to 200 N. Richey St.;
 - b. Produce all documents that identify the generators of each waste stream that made up each transfer of the blended or mixed waste streams that were sent from 400 N. Richey St. to 200 N. Richey St.;
 - c. Produce all documents that identify the chemical composition of the blended or mixed waste streams that made up each transfer from 400 N. Richey St. to 200 N. Richey St.;
 - d. Produce all documents that identify the physical composition of the blended or mixed waste streams that made up each transfer from 400 N. Richey St. to 200 N. Richey St.;
7. Produce all ground-level photographs of the 200 N. Richey St. site from April 4, 2004 through the present, including those showing the contents of vessels and structures at that location;
8. Produce all aerial photographs of the 200 N. Richey St. site from April 4, 2004 through the present;
9. Produce all documents related to analyses of the contents of the various vessels and structures at 200 N. Richey St. from January 1, 2009 to the present;
10. Produce all documents related to analyses of soil at 200 N. Richey St. from January 1, 2009 to the present;
11. Produce all documents related to analyses of groundwater at 200 N. Richey St. from January 1, 2009 to the present;
12. Produce all documents related to all correspondence between the PRP Group and consultants and/or experts that are related to the 200 N. Richey St. Site;

13. Produce all documents related to all reports, studies and/or summaries prepared by consultants and/or experts for the PRP Group for or whose contents include the 200 N. Richey St. Site; and

14. Produce all Power Point® and/or slide presentations related to the 200 N. Richey St. Site.

If you should have any questions regarding the above, please email us or give us a call at your earliest convenience. It would really be beneficial to have this documentation early enough for our clients to evaluate in time for the meeting that is being contemplated for December 13, 14 or 15.

Thanks,
Mike

From: Mike DiGiglia
Sent: Wednesday, November 15, 2017 8:56 PM
To: 'Quinones, Edwin'
Cc: Ernie Gieger; Brendan Doherty; Donna Uli; seby@gtlaw.com
Subject: RE: USOR Superfund Site - 200 N. Richey St.

Ed,

We have invited Paul Seby to join our call with you tomorrow. He had indicated that the two of you were to talk tomorrow afternoon and, after talking with him, it seemed to make sense for all of us to be on the same call.

Thanks,
Mike

From: Quinones, Edwin [<mailto:quinones.edwin@epa.gov>]
Sent: Wednesday, November 8, 2017 4:31 PM
To: Mike DiGiglia
Cc: Ernie Gieger; Brendan Doherty; Donna Uli
Subject: RE: USOR Superfund Site - 200 N. Richey St.

Hi Mike,

That time works for me. I'll put it on my calendar, and we can discuss further.

Thanks!

Ed Q.

From: Mike DiGiglia [<mailto:mdigiglia@glllaw.com>]
Sent: Wednesday, November 08, 2017 4:24 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Ernie Gieger <egieger@glllaw.com>; Brendan Doherty <bdoherty@glllaw.com>; Donna Uli <duli@glllaw.com>
Subject: RE: USOR Superfund Site - 200 N. Richey St.

Ed,

Thursday, November 16 works for us. How does 10 am work for you?

Dial in: 877-633-3112

Passcode: 5046541347

Thanks,
Mike

From: Quinones, Edwin [<mailto:quinones.edwin@epa.gov>]
Sent: Wednesday, November 8, 2017 4:14 PM
To: Mike DiGiglia
Cc: Ernie Gieger; Brendan Doherty; Donna Uli
Subject: RE: USOR Superfund Site - 200 N. Richey St.

Hi Mike,

Those are understandably valid questions. I'd be more than happy to discuss them, especially EPA's decision on how to proceed with the 200 N. Richey property, on a conference call if you'd like. I'm available next Thursday, November 16 if that day works for you.

With respect to your question on EPA's interest in Severn Trent and the City of Pasadena, I'm attaching a copy of the District Court's August 2, 2017 decision on the City of Pasadena's CERCLA 107(a) liability. Although the decision concerns only the City, and not Severn Trent specifically, it has an undoubtedly significant implication on EPA's view of Severn Trent as a potentially responsible party (PRP) under the 107(a)(2) prong (past operator) of CERCLA liability. As a result of that decision, I will be recommending EPA issue corresponding CERCLA 122(e) Special Notice Letters addressed to Severn Trent and the City of Pasadena. In the meantime, I thought it best to engage both the City and Severn Trent at the outset in the interest of expediting an administrative settlement with all parties with respect to the 200 N. Richey property.

Please let me know if November 16 would work for you for a conference call.

Thanks and best regards,

Ed Q.

From: Mike DiGiglia [<mailto:mdigiglia@glllaw.com>]

Sent: Wednesday, November 08, 2017 3:51 PM

To: Quinones, Edwin <quinones.edwin@epa.gov>

Cc: Ernie Gieger <egieger@glllaw.com>; Brendan Doherty <bdoherty@glllaw.com>; Donna Uli <duli@glllaw.com>

Subject: RE: USOR Superfund Site - 200 N. Richey St.

Ed,

Before we can communicate with our client regarding such a meeting, we need to have more information to share with them, such as what EPA is proposing, why the PRP Group is not moving forward with AOC-2 for the 200 N. Richey St. property and why is EPA looking at Severn Trent and the City of Pasadena for the path forward rather than just the PRP Group.

Can you provide us with additional information?

Thanks,

Mike

From: Quinones, Edwin [<mailto:quinones.edwin@epa.gov>]

Sent: Wednesday, November 8, 2017 3:36 PM

To: Mike DiGiglia

Cc: Ernie Gieger; Brendan Doherty; Donna Uli

Subject: RE: USOR Superfund Site - 200 N. Richey St.

Hi Mike,

Thanks for reaching out to me and proposing a date to meet. I'll be out of the office for most of next week. Since the week after that is Thanksgiving week, I propose a meeting for Thursday, November 30 at EPA's Dallas office, which would also include the City of Pasadena and the PRP Group representatives, subject to everyone's availability for that date. Otherwise, we can always shoot for a meeting the week after that (the week of Dec. 4). The purpose of the meeting is to discuss a path forward on the 200 N. Richey property of the USOR Superfund Site.

Would you please let me know if the afternoon of November 30 (preferably at 2:30 pm) or sometime during the week of December 4 would work for you and your client?

Regards,

Ed Q.
214-665-8035

From: Mike DiGiglia [<mailto:mdigiglia@glllaw.com>]
Sent: Wednesday, November 08, 2017 12:17 PM
To: Quinones, Edwin <quinones.edwin@epa.gov>
Cc: Ernie Gieger <egieger@glllaw.com>; Brendan Doherty <bdoherty@glllaw.com>; Donna Uli <duli@glllaw.com>
Subject: USOR Superfund Site - 200 N. Richey St.

Ed,

I am one of the attorneys that represents Severn Trent Environmental Services, Inc. in the subject matter.

My co-counsel and I are available to speak with you regarding the 200 N. Richey St. portion of the USOR Site on the following dates and times:

Tuesday, November 14: 9 am – 11:30 am; 1 pm – 4 pm

Wednesday, November 15: 9 am – 11:30 am; 1 pm – 4 pm

If either of the days and time frames indicated above work for you, please let us know the date and time you prefer for the call.

We can use my conference call account for the call:

Dial in: 877-633-3112

Passcode: 5046541347

Thanks,

Mike



GIEGER, LABORDE & LAPEROUSE L.L.C.

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